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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

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OPTIS WIRELESS TECHNOLOGY,) (CIVIL ACTION NO.
LLC, OPTIS CELLULAR) (2:19-CV-66-JRG
TECHNOLOGY, LLC, PANOPTIS) (
PATENT MANAGEMENT, LLC,) (
UNWIRED PLANET, LLC, UNWIRED) (
PLANET INTERNATIONAL LIMITED,) (
PLAINTIFFS,) (
VS.) (
MARSHALL, TEXAS
AUGUST 4, 2020
APPLE INC.,) (1:01 P.M.
DEFENDANTS.) (

TRANSCRIPT OF JURY TRIAL

AFTERNOON SESSION

BEFORE THE HONORABLE JUDGE RODNEY GILSTRAP

UNITED STATES CHIEF DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFFS:

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9 Official Court Reporter
United States District Court
10 Eastern District of Texas
Marshall Division
11 100 E. Houston
Marshall, Texas 75670
12 (903) 923-7464

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14 (Proceedings recorded by mechanical stenography, transcript
produced on a CAT system.)

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P R O C E E D I N G S

(Jury out.)

COURT SECURITY OFFICER: All rise.

THE COURT: Be seated, please.

Mr. Sheasby, is the Plaintiff prepared to call its next witness?

MR. SHEASBY: Yes, Your Honor. There's a significant amount of material designated as confidential in Dr. Mahon's testimony. We propose to seal the courtroom at the beginning of the testimony so it's not disruptive.

THE COURT: What does Defendant say?

MR. MUELLER: No objection, Your Honor.

THE COURT: All right. Let me get the jury in the room. Then when the witness is on the witness stand, then the request to seal the courtroom can be made at that time.

MR. SHEASBY: Thank you, Your Honor.

THE COURT: All right. Let's bring in the jury, please.

COURT SECURITY OFFICER: All rise.

(Jury in.)

THE COURT: Welcome back from lunch, ladies and gentlemen.

Please be seated.

Plaintiff, call your next witness, please.

MR. SHEASBY: Your Honor, Plaintiffs call

01:03:10 1 Professor Mark Mahon.

01:03:11 2 THE COURT: All right. If you'll come forward,
01:03:13 3 please, sir, and be sworn. Is it Mahon or is it Mahon?

01:03:32 4 THE WITNESS: It's Mahon.

01:03:48 5 THE COURT: All right. Please come around,
01:03:48 6 Professor Mahon, and have a seat at the witness stand.

01:03:49 7 Counsel, before I ask the jury to return, I've
01:03:49 8 been advised that there is a request to seal the courtroom
01:03:53 9 for this witness; is that correct?

01:03:53 10 MR. SHEASBY: Yes, it's joint, Your Honor.

01:03:54 11 THE COURT: All right. Best -- based, then, on
01:03:57 12 the request of counsel, I'll order the courtroom sealed,
01:04:00 13 which means unless you are subject to the protective order
01:04:03 14 in this case, you should excuse yourselves and remain
01:04:07 15 outside the courtroom until it is unsealed and reopened.

01:04:11 16 (Courtroom sealed.)

01:04:11 17 (This portion of the transcript is sealed
01:04:11 18 and filed under separate cover as
01:04:12 19 Sealed Portion No. 1.)

02:28:06 20 (Courtroom unsealed.)

02:28:06 21 THE COURT: The Court stands in recess.

02:28:08 22 COURT SECURITY OFFICER: All rise.

02:28:09 23 (Recess.)

02:42:32 24 (Jury out.)

02:42:32 25 COURT SECURITY OFFICER: All rise.

02:42:33 1 THE COURT: Be seated, please.

02:42:34 2 Mr. Sheasby, if you're prepared to continue with
02:42:38 3 your direct, you may return to the podium.

02:42:40 4 MR. SHEASBY: I am, Your Honor. But I -- I want
02:42:42 5 to address something with the Court, which is tomorrow
02:42:45 6 morning, there's going to be Qualcomm confidential source
02:42:49 7 code shown. I -- I can't imagine Qualcomm is going to
02:42:52 8 object to a federal judge sitting in the courtroom.

02:42:56 9 THE COURT: I don't know that Judge Hicks will be
02:42:59 10 back tomorrow.

02:42:59 11 MR. SHEASBY: Okay.

02:42:59 12 THE JUDGE: We'll just have to see.

02:42:59 13 MR. SHEASBY: If he comes back, do you want us to
02:43:02 14 try to get Qualcomm's permission?

02:43:04 15 THE COURT: Let's wait and see what happens.

02:43:05 16 MR. MUELLER: Yes, Your Honor, just to make sure I
02:43:06 17 understand, So for this next section, the courtroom will --
02:43:08 18 if I understand Mr. Sheasby --

02:43:08 19 THE COURT: I'm going to reseal the courtroom --

02:43:10 20 MR. MUELLER: Understood.

02:43:11 21 THE COURT: -- is my understanding.

02:43:13 22 MR. MUELLER: Thank you, Your Honor.

02:43:14 23 THE COURT: All right. Anything else before I
02:43:15 24 bring the jury back in?

02:43:17 25 MR. SHEASBY: Nothing, Your Honor.

02:43:18 1 THE COURT: All right. Let's bring the jury in,
02:43:21 2 please.

02:43:21 3 COURT SECURITY OFFICER: All rise.

02:43:22 4 (Jury in.)

02:43:57 5 THE COURT: Please be seated.

02:43:58 6 All right. Ladies and gentlemen, we'll continue
02:44:02 7 with the direct examination of the witness by the
02:44:04 8 Plaintiff.

02:44:05 9 Mr. Sheasby, you may proceed.

02:44:08 10 And also, for the record, I'm going to order the
02:44:10 11 courtroom sealed at this time, as it was before we
02:44:13 12 recessed.

02:44:14 13 (Courtroom sealed.)

02:44:14 14 (This portion of the transcript is sealed
02:44:14 15 and filed under separate cover as
02:44:15 16 Sealed Portion No. 2.)

04:08:41 17 (Courtroom unsealed.)

04:08:41 18 THE COURT: I'll direct the Court Security Officer
04:08:43 19 to invite the public to return.

04:09:14 20 Am I correct, Mr. Sheasby, the Plaintiffs' next
04:09:16 21 witness is going to testify by deposition?

04:09:18 22 MR. SHEASBY: Yes, Your Honor. Plaintiffs calls
04:09:22 23 as their next witness, Ms. Heather Mewes, an Apple
04:09:24 24 attorney.

04:09:25 25 THE COURT: What's the approximate time of the

04:09:28 1 deposition testimony?

04:09:32 2 MR. SHEASBY: 7 minutes and 50 seconds, Your
04:09:37 3 Honor.

04:09:37 4 THE COURT: All right. Proceed with your witness
04:09:39 5 by deposition.

04:09:42 6 MR. SHEASBY: Your Honor, to inform the Court,
04:09:45 7 we're playing this deposition by video, with your
04:09:48 8 permission.

04:09:49 9 MR. MUELLER: I apologize, Your Honor. Before we
04:09:50 10 do, if we could just seal the courtroom for non-Apple
04:09:54 11 people for this video.

04:09:58 12 THE COURT: All right. There's been a request to
04:10:00 13 seal the courtroom for this witness. I'll order those
04:10:05 14 present not subject to the protective order, corporate
04:10:10 15 representatives, or those aligned with the Defendant, to
04:10:18 16 excuse themselves and remain outside the courtroom until
04:10:21 17 the courtroom is unsealed. This will also seal this
04:10:24 18 portion of the transcript.

04:10:26 19 If you're not subject to the protective order and
04:10:28 20 you're not aligned with the Defendant, Apple, then you need
04:10:30 21 to excuse yourselves.

04:10:34 22 MR. SHEASBY: Your Honor, as far as I can tell,
04:10:35 23 for all PanOptis-associated individuals, we're in
04:10:39 24 compliance.

04:10:39 25 MR. MUELLER: Yes, Your Honor.

04:10:41 1 (Courtroom sealed.)

04:10:41 2 (This portion of the transcript is sealed
04:10:41 3 and filed under separate cover as
04:10:41 4 Sealed Portion No. 3.)

04:10:41 5 (Courtroom unsealed.)

04:36:42 6 THE COURT: The Court stands in recess.

04:36:43 7 COURT SECURITY OFFICER: All rise.

04:36:56 8 (Recess.)

04:59:09 9 (Jury out.)

04:59:09 10 COURT SECURITY OFFICER: All rise.

04:59:10 11 THE COURT: Be seated, please.

05:00:08 12 Plaintiff, are you prepared to call your next

05:00:15 13 witness?

05:00:15 14 MR. SHEASBY: Yes, Your Honor, with the Court's
05:00:17 15 permission, I'd like to introduce Mr. Steven Pollinger. He
05:00:21 16 will be taking Professor Madisetti.

05:00:24 17 THE COURT: All right. Let's bring in the jury.

05:00:26 18 MR. MUELLER: Your Honor, Michael Summersgill will
05:00:30 19 be doing the cross-examination.

05:00:31 20 THE COURT: That will be great.

05:00:33 21 COURT SECURITY OFFICER: All rise.

05:00:35 22 (Jury in.)

05:00:53 23 THE COURT: Please be seated, ladies and
05:00:59 24 gentlemen.

05:00:59 25 Plaintiff, call your next witness.

05:01:04 1 MR. SHEASBY: Your Honor, Plaintiffs call
05:01:07 2 Professor Vijay Madisetti.

05:01:09 3 THE COURT: All right. Professor Madisetti, if
05:01:12 4 you'll come forward and be sworn, please. Come around
05:01:15 5 here, sir, and be sworn by our courtroom deputy, if you
05:01:17 6 will.

05:01:19 7 (Witness sworn.)

05:01:25 8 THE COURT: All right. Now, if you'll come around
05:01:32 9 and have a seat at the witness stand.

05:01:34 10 MR. SHEASBY: Your Honor, Professor Vijay
05:01:37 11 Madisetti's testimony will quickly enter Apple confidential
05:01:40 12 information land. I believe now will be the most efficient
05:01:45 13 time to seal the Court.

05:01:48 14 THE COURT: All right. Then based on counsel's --
05:01:48 15 please have a seat, sir.

05:01:50 16 Based on counsel's representation and request,
05:01:53 17 I'll order the courtroom sealed. Anyone present not
05:01:55 18 subject to the protective order in this case should excuse
05:01:57 19 themselves until the courtroom is reopened and unsealed.

05:02:01 20 MR. SUMMERSGILL: Your Honor, and if there's to be
05:02:04 21 Qualcomm information, the Apple folks can't see that, but
05:02:06 22 if it's just Qualcomm information, they can remain.

05:02:10 23 MR. SHEASBY: Your Honor, I believe this will have
05:02:11 24 Qualcomm, Intel, and Apple confidential information, so a
05:02:16 25 full seal would be appropriate.

05:02:17 1 THE COURT: All right. Then we'll proceed on that
05:02:20 2 basis, which means the corporate representatives will have
05:02:22 3 to excuse themselves, as well.

05:02:25 4 (Courtroom sealed.)

05:02:25 5 (This portion of the transcript is sealed
05:02:25 6 and filed under separate cover as
05:02:26 7 Sealed Portion No. 4.)

05:02:26 8 (Courtroom unsealed.)

05:02:26 9 (Jury out.)

06:11:21 10 THE COURT: Be seated, please.

06:11:22 11 Counsel, let me remind you, it's the Court's
06:11:33 12 practice to keep a running record of the items used during
06:11:39 13 each day of the trial from the list of pre-admitted
06:11:43 14 exhibits being used before the jury so that the Court can
06:11:47 15 clearly delineate those items that are actually admitted
06:11:51 16 exhibits, which have been used during the trial, and those
06:11:54 17 which remain only pre-admitted and have not been used
06:11:59 18 during a portion of the trial before the jury.

06:12:01 19 Accordingly, you need to meet and confer
06:12:05 20 overnight, confirm that list from today's portion of the
06:12:09 21 trial, both for Plaintiffs' exhibits and Defendant's
06:12:12 22 exhibits.

06:12:12 23 And before I bring in the jury in the morning,
06:12:16 24 I'll call on a representative of each party to go to the
06:12:19 25 podium and read in the items from the list of pre-admitted

06:12:23 1 exhibits that they have used during the preceding day's
06:12:26 2 portion of the trial.

06:12:27 3 And I'll follow that practice each day through the
06:12:31 4 trial so that we keep a running record in the trial record
06:12:35 5 of what's been used from the list of pre-admitted exhibits
06:12:39 6 during each preceding day of the trial.

06:12:42 7 I'll also remind you that the Court will follow
06:12:48 8 the same practice it did this morning. We'll look for you
06:12:53 9 to meet and confer overnight. If there are any disputes,
06:12:58 10 advise the Court by email not later than 10:00 o'clock.
06:13:03 11 Follow that up with a notebook by 7:00 a.m., outlining what
06:13:09 12 remains in dispute.

06:13:11 13 And, again, we need a concise statement from both
06:13:14 14 parties with the attached demonstrative that's in dispute
06:13:18 15 or whatever it is that's at issue and remains at issue at
06:13:21 16 7:00 o'clock. And the Court will be available to meet with
06:13:23 17 you before 8:30 in hopes of resolving those and maximizing
06:13:27 18 your remaining trial time.

06:13:29 19 With your remaining -- with regard to the
06:13:32 20 remaining trial time, we've used exactly seven hours of
06:13:36 21 your trial time today.

06:13:40 22 Plaintiff has used 4 hours and 28 minutes.

06:13:44 23 Defendant has used 2 hours and 32 minutes,
06:13:50 24 according to my calculations.

06:13:52 25 THE COURT: And I'll try to give you a running

06:13:55 1 breakdown or update on time used at the end of each day so
06:14:00 2 that you can take that into account, as well.

06:14:02 3 Are there questions from either side before we
06:14:04 4 recess for the evening?

06:14:07 5 Anything from the Plaintiff?

06:14:09 6 MR. BAXTER: No, Your Honor.

06:14:10 7 THE COURT: Anything from the Defendant?

06:14:12 8 MR. MUELLER: No, Your Honor.

06:14:13 9 THE COURT: We stand in recess until tomorrow
06:14:15 10 morning.

06:14:15 11 COURT SECURITY OFFICER: All rise.

06:14:16 12 (Recess.)

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CERTIFICATION

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16 I HEREBY CERTIFY that the foregoing is a true and
17 correct transcript from the stenographic notes of the
18 proceedings in the above-entitled matter to the best of my
19 ability.

20

21

22 /S/ Shelly Holmes
23 SHELLY HOLMES, CSR, TCRR
24 OFFICIAL REPORTER
State of Texas No.: 7804
Expiration Date: 12/31/2020

8/4/2020
Date

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